HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2080 of 2007

Dated:09.02.2007

Between:

Dr.M.Renuka and others.

...Petitioners.

and

The Sub-Registrar and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2080 of 2007

ORDER:

The petitioners state that they are the owners of 2 acres of land in Sy.No.380/1 of Madhurawada Village, Visakhapatnam District. It is stated that they intended to sell the land and even got issued a public notice, in a local daily on 14.12.2006, inviting objections. The sale deeds executed by them are said to have been presented for registration before the

1st respondent on 29.12.2006. The grievance of the petitioners is that the

1st respondent has refused to release the sale deeds by placing reliance upon G.O.Ms.No.583, dated 04.05.2005, issued by the 3rd respondent, in exercise of power under Section 22-A of the Registration Act, 1908 (for short "the Act").

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Till recently, the 3rd respondent was vested with the power to issue notification under Section 22-A of the Act,

prohibiting registration of documents, in respect of the lands mentioned in such notifications. G.O.Ms.No.583, dated 04.05.2005, is one such notification, prohibiting registration, in respect of the lands in Sy.No.380/2 also. However, recently, this Court held Section 22-A of the Act to be unconstitutional and had quashed the same, following the judgment of the Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]. The sole basis for the 1st respondent to refuse registration of the documents presented by the petitioners was the notification issued under Section 22-A of the Act. With the judgment of this Court setting aside Section 22-A of the Act, the basis disappears.

Hence, the Writ Petition is disposed of, directing the 1st respondent to process the sale deeds submitted by the petitioners in accordance with the provisions of the Indian Stamp Act and the Registration Act and take necessary steps, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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Dt.09.02.2007
L.NARASIMHA REDDY, J

GJ

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[1] AIR 2005 SC 3401=(2005) 12 SCC 77